



Application No. (if known): 09/523,767

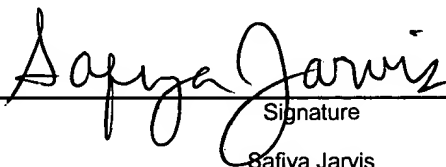
Attorney Docket No.: 49603(71699)

Certificate of Express Mailing Under 37 CFR 1.10

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on August 27, 2004
Date


Signature

Safiya Jarvis

Typed or printed name of person signing Certificate

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Five Month Request for Extension of Time Under 37 CFR 1.136(a)
Request for Continued Examination Transmittal
Previously Filed Amendment
Fee Transmittal
Letter to Examiner
Check in the amount of \$1,300.00
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FEE TRANSMITTAL				for FY 2004																																																																																																																																																																																																							
Effective 10/01/2003. Patent fees are subject to annual revision.				Complete if Known																																																																																																																																																																																																							
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</div><div>TOTAL AMOUNT OF PAYMENT (\$) 1,300.00</div></div>				Application Number		09/523,767																																																																																																																																																																																																					
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				First Named Inventor		Eugene De Juan, Jr.																																																																																																																																																																																																					
				Examiner Name		J. R. Baxter																																																																																																																																																																																																					
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<div><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</div> <div><input type="checkbox"/> Deposit Account: Deposit Account Number: 04-1105 Deposit Account Name: Edwards & Angell, LLP</div> <div>The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</div>				3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td>530.00**</td></tr><tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr><tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td>770.00</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="6">Other fee (specify) _____</td></tr><tr><td colspan="4">*Reduced by Basic Filing Fee Paid</td><td colspan="2">SUBTOTAL (3) (\$) 1,300.00</td></tr><tr><td colspan="6">**Reduced by the amount previously paid</td></tr></tbody></table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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Attorney Docket No. 49,603 (71699)

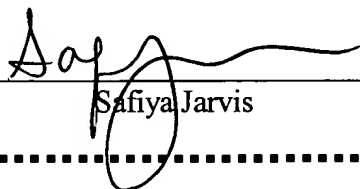
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS	E. de Juan, Jr., et al.	EXAMINER:	Baxter, Jessica, R.
U.S.S.N.:	09/523,767	GROUP:	3731
FILED:	March 11, 2000	Conf. No.	5862
FOR:	SUTURELESS OCCULAR SURGICAL METHODS AND INSTRUMENTS FOR USE IN SUCH METHODS		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office Addressee" **Mailing Label Number EV 437 820 971 US** addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2004.

By: 
Safiya Jarvis

LETTER TO EXAMINER

Sir:

A Response to Final Office Action dated July 27, 2004 was filed by Express Mail under the Expedited Procedure of 37 C.F.R. 1.116. In response to a call from the undersigned, the Examiner advised that as of August 26, 2004, the Examiner had not received Applicants' Response to Final Office Action as well as the related case file. As such, the Examiner recommended that Applicants take that action necessary to prevent the subject application from going abandoned.

Accordingly, Applicants are filing the within RCE to maintain the pendency of the subject

Applicant: E. de Juan, Jr., et al.
U.S.S.N.: 09/523,767
LETTER TO EXAMINER
Page 2 of 2

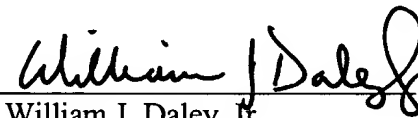
application along with requesting entry of the Final Office Action even though Applicants have not received an Advisory Action from the Patent Office relative to the Response.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Letter to Examiner. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,
Edwards & Angell, LLP

Date: August 27, 2004

By: 
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(617) 439- 4444

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